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*Attorneys for Apple Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

THE CORING COMPANY, on behalf of  
themselves and all others similarly situated

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 3:22-CV-01044-EMC

**DECLARATION OF RACHEL S. BRASS  
RE: CM/ECF TECHNICAL FAILURE ON  
MARCH 11, 2022 [L.R. 5-1(d)(5)]**

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for  
4 Defendant Apple Inc. ("Apple") in this case. I respectfully submit this declaration under Local Rule  
5 5-1(d)(5) to explain why technical failures prevented Apple from filing its Motion to Dismiss  
6 Complaint and Motion to Strike and supporting documents on Friday, March 11, 2022. I have personal  
7 knowledge of the facts stated below and, if called as a witness, I could and would testify competently  
8 thereto.

9 2. On March 11, 2022, at 1:46 p.m. PT (4:46 p.m. ET), I received an email from the CAND  
10 Helpdesk advising that the CM/ECF system for the Northern District of California ("CAND-ECF")  
11 was "currently offline, so e-filing and accessing dockets/documents is unavailable." A true and correct  
12 copy of that email is attached hereto as **Exhibit 1**.

13 3. At 2:00 p.m. PT, at my direction, attorneys and staff under my supervision attempted to  
14 access the CAND-ECF and were unable to connect.

15 4. At 3:28 p.m. PT, at my direction, attorneys and staff under my supervision attempted to  
16 access the CAND-ECF and were again unable to connect. A true and correct copy of the error message  
17 displayed is attached hereto as **Exhibit 2**.

18 5. At 4:40 p.m. PT, the Court published an update on its webpage announcing that multiple  
19 systems were offline. A true and correct copy of the Announcement from the United States District  
20 Court for the Northern District of California's home page is attached hereto as **Exhibit 3**.

21 6. At my direction, attorneys and staff under my supervision attempted to access the  
22 CAND-ECF to file electronically at least two times following the 3:28 p.m. PT attempt, separated by  
23 at least one hour, and were unsuccessful each time. Those subsequent attempts were at 6:52 p.m. PT,  
24 8:06 p.m. PT, and 9:21 p.m. PT. True and correct copies of the error messages displayed are attached  
25 hereto as **Exhibits 4–6**.

26 7. At 9:29 a.m. PT (12:29 p.m. ET) on Saturday, March 12, 2022, I received an email from  
27 the CAND Helpdesk advising that the CAND-ECF was back online, with "all services" having  
28

1 “returned to normal” as of 8:10 a.m. PT that morning. A true and correct copy of that email is attached  
2 hereto as **Exhibit 7**.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
4 and correct and that this Declaration was executed on March 14, 2022 at San Francisco, California.

5  
6 /s/ Rachel S. Brass

7 Rachel S. Brass  
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